



January 7, 2019

Certified Mail Number: 7016 1970 0000 8970 4810
and First Class Mail Service

Joe Rodriguez, Registered Agent
dba Georgetown Behavioral Health Institute, LLC
3101 S. Austin Ave.
Georgetown, Texas 78626-0000

Certified Mail Number: 7016 1970 0000 8970 4827
and First Class Mail Service

Lisa Salter, CEO
Georgetown Behavioral Health Institute, LLC
3101 S. Austin Ave.
Georgetown, Texas 78626-0000

**Re: Notice of Violation (Notice), Georgetown Behavioral Health Institute, LLC,
Psychiatric Hospital, License No. 100257, Case No. 1068180179, Docket No.
A27885-510-2018.**

Dear Ms. Salter:

The Texas Health and Human Services Commission (Commission) has reviewed documents and evidence related to a complaint investigation of Georgetown Behavioral Health Institute, LLC (Respondent) located at 3101 S. Austin Ave. Georgetown, Texas 78626-0000 (Facility) conducted on or about December 11, 2017.

As a result of that investigation, the Commission proposes an administrative penalty of \$180,000 against Respondent pursuant to its authority under Chapters 571-578 of the Texas Health and Safety Code (HSC) and Title 25 of the Texas Administrative Code (TAC) Chapters 134, 404, 411, 414, and 415 (Rules).

The proposed action is based upon the following allegations (names of persons identified by initials or numbers will be provided upon request if permitted by law):

1. Respondent failed to complete a root cause analysis within 45 days of becoming aware of a reportable event and failed to develop an action plan:

Respondent failed to complete a root cause analysis within 45 days of becoming aware of a reportable event when patient #1 and patient #2 had sex with each other at the facility, and failed to develop an action plan identifying risks and strategies to

decrease the possibility of similar events reoccurring. This conduct is in violation of 25 TAC §134.47(a)(3)(A)-(B), which states:

§134.47 Patient Safety Program.

(a) General.

(3) Within 45 days of becoming aware of a reportable event specified under subsection (b)(1)(A) of this section, the facility must:

(A) complete a root cause analysis to examine the cause and effect of the event through an impartial process; and

(B) develop an action plan identifying the strategies that the facility intends to employ to reduce the risk of similar events occurring in the future. ...

An administrative penalty of \$15,000 is proposed for this rule violation.

2. Respondent failed to ensure patients' right to a humane treatment environment that ensures protection from harm:

Respondent failed to monitor patients according to the documented level of observation during bed checks, allowing patient #1 to enter patient #2's room for approximately two hours, where they had sex. This conduct is in violation of 25 TAC §404.154(3), which states:

§404.154 Rights of All Persons Receiving Mental Health Services.

(3) The right to a humane treatment environment that ensures protection from harm, provides privacy to as great a degree as possible with regard to personal needs, and promotes respect and dignity for each individual.

An administrative penalty of \$50,000 (\$25,000 x 2 patients) is proposed for this rule violation.

3. Respondent failed to ensure patients' right to give or withhold informed consent for medications:

Respondent failed to ensure patient #3 or the patient's representative consented to a psychoactive medication being administered: This conduct is in violation of 25 TAC §404.154(16), which states:

§404.154 Rights of All Persons Receiving Mental Health Services.

(16) The right to be free from unnecessary or excessive medication, which includes the right to give or withhold informed consent to treatment with psychoactive medication, unless the right has been limited by court order or in an emergency.

An administrative penalty of \$5,000 is proposed for this rule violation.

4. Respondent failed to document staff orientation and training:

Respondent failed to keep records of orientation, annual training, and competency training for staff #4, #6, and #8. This is in violation of 25 TAC §404.165(4), which states:

§404.165 Staff Training in Rights of Persons Receiving Mental Health Services.

(4) A record shall be kept by the psychiatric hospital or the department facility or community center's office for staff development on each employee receiving orientation, annual training, or additional instruction in compliance with this section, including the date training was provided and the name of the individual conducting the training.

An administrative penalty of \$15,000 (\$5,000 x 3 staff) is proposed for this rule violation.

5. Respondent failed to revise patient treatment plans as clinically indicated:

Respondent failed to revise treatment plans for patients #1 and #2 after they had sex with each other at the facility. This conduct is in violation of 25 TAC §404. 471(e), which states:

§411.471 Inpatient Mental Health Treatment and Treatment Planning.

(e) Treatment plan revision. In addition to a revision required by subsection (c)(1)(D) of this section, the treatment plan shall be revised, if necessary, based on the findings of any assessment, reassessment, evaluation, or re-evaluation, or as otherwise clinically indicated.

An administrative penalty of \$20,000 (\$10,000 x 2 patients) is proposed for this rule violation.

6. Respondent failed to appropriately monitor patients and failed to identify the levels of monitoring for patients:

Respondent failed to enter the rooms of 24 patients to perform visual bed checks as specified and failed to identify levels of monitoring for patients #1 and #2. This conduct is in violation of 25 TAC §404.477(a)(2) and (b)(1), which state:

§411.477 Protection of a Patient.

(a) Modifying the environment and monitoring the patient. A hospital shall protect a patient by taking the following measures:

(2) monitoring the patient at the level of monitoring most recently specified in the patient's medical record.

(b) Levels of monitoring. A hospital shall:

(1) identify, in writing, the levels of monitoring of patients;

An administrative penalty of \$75,000 (\$25,000 each for patients #1 and #2 and \$25,000 for remaining patients) is proposed for this rule violation.

In accordance with Government Code Section 2001.054(c) and Health and Safety Code §243.015, you have the right to show compliance with all requirements of law prior to final action by the Commission. **Within 20 calendar days following the day you receive this notice, you may:**

- 1) Admit to the allegations and accept the Commission's determination to assess an administrative penalty of \$180,000. Remit the recommended penalty amount of \$180,000 by cashier's check, money order, or company check made payable to the Health and Human Services Commission, with a notation of: *Deposit in Budget No. ZZ156, Fund No. 150, Service Code No. 529201033*, and return the enclosed Response to Notice form, with the first box checked. Please be sure to sign and date the form; or
- 2) Submit a written request for an informal conference and a hearing (if necessary), regarding the occurrence of the alleged violations, the amount of the penalties, or both; or,
- 3) Submit a written request for a contested case hearing to be held at the State Office of Administrative Hearings regarding the occurrence of the alleged violations, the amount of the penalty, or both.

Please use the attached **RESPONSE TO NOTICE** form to notify the Commission of which option you have selected.

FAILURE TO RESPOND TO THIS NOTICE WITHIN 20 CALENDAR DAYS FROM THE DATE YOU RECEIVE THIS LETTER WILL BE CONSIDERED A WAIVER OF YOUR RIGHT TO A HEARING, THE ALLEGATIONS IN THIS NOTICE WILL BE DEEMED TRUE, AND THE COMMISSION WILL ASSESS THE ADMINISTRATIVE PENALTIES BY DEFAULT.

If you have any questions regarding this proposal, please contact me at (512) 834-6634.

Sincerely,



Charles Burkhalter
Health and Human Services Commission
Regulatory Services Division, Health Care Quality
512-834-6634, Fax 512-834-6623
8407 Wall Street
Austin, TX, 78754
Charles.Burkhalter@hhsc.state.tx.us
Enclosure

RESPONSE TO NOTICE OF VIOLATION (NOTICE)

Georgetown Behavioral Health Institute, LLC, private psychiatric hospital (Respondent), has received a Notice from the Texas Health and Human Services Commission, in which it was notified that the Commission is proposing an administrative penalty of \$180,000 for License No.100257, Case No. 1068180179, Docket No. A27885-510-2018.

Please select an option by checking the applicable box. Sign in the space provided below, and **return this page not later than the 20th calendar day after you receive this notice.**

- OPTION 1** ☐ Respondent admits the allegations and accepts the proposed action in the Commission's Notice. Respondent waives the right to an administrative hearing or an appeal. Respondent hereby remits an administrative penalty of \$180,000 by cashier's check, money order, or company check, made payable to the Texas Health and Human Services Commission, with a notation of: Deposit in Budget No. ZZ156, Fund No. 150, *Service Code No. 529201033*. Mail the penalty with this form to: The Texas Health and Human Services Commission, Accounts Receivable – MC 1470, PO BOX 149055, Austin, TX 78714-9055.
- OPTION 2** ☐ Respondent does not accept the proposed action in the Commission's Notice and requests an informal conference and, if necessary, a hearing.
- OPTION 3** ☐ Respondent does not accept the proposed action in the Commission's Notice and requests a hearing before the State Office of Administrative Hearings.

If you are not including a payment with your response, please mail your response to: Health and Human Services Commission, Regulatory Services Division, Health Care Quality – MC 1866, Attn: Charles Burkhalter, P.O. Box 149347, Austin, TX 78714-9347 or fax it to: 512-834-6625.

**SIGNATURE OF RESPONDENT'S
AUTHORIZED REPRESENTATIVE**

DATE

**PRINTED NAME AND TITLE OF
SIGNATORY**

100257

LICENSE NUMBER

[Type here]